

**FILED**

**AUG 27 2015**

Clerk, U.S. District Court  
District Of Montana  
Missoula

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff/Respondent,

vs.

MONTE CATO LITTLE COYOTE,  
JR.,

Defendant/Movant.

Cause No. CR 13-74-BLG-DWM  
CV 15-63-BLG-DWM

ORDER DENYING  
RECONSIDERATION AND  
DENYING CERTIFICATE OF  
APPEALABILITY

This case came before the Court on Defendant/Movant Little Coyote's motion to vacate, set aside, or correct his sentence, pursuant to 28 U.S.C. § 2255.

Little Coyote is a federal prisoner proceeding *pro se*.

Little Coyote's motion and a certificate of appealability were denied on July 31, 2015. On August 21, 2015, Little Coyote filed a 31-page motion seeking reconsideration, a certificate of appealability, and an extension of time to seek reconsideration.

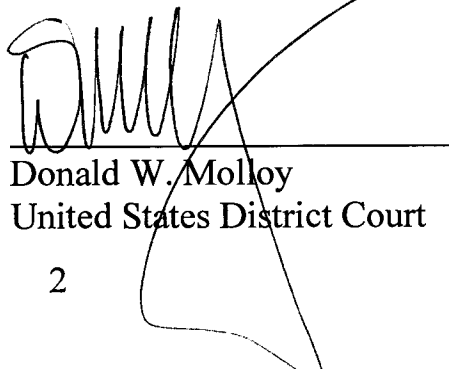
Despite its length, the motion provides no reason to reconsider, no reason to issue a certificate of appealability (which has already been denied), and no reason to extend time to file further motions for reconsideration or certificate of appealability. To some extent Little Coyote seeks to add one or more new claims, including one under the minority opinion in *United States v. Zepeda*, 792 F.3d

1103, 1116-20 (en banc) (Kozinski, J., concurring in the judgment). But, because the Court has already decided Little Coyote's § 2255 motion, new claims constitute unauthorized second or successive claims under 28 U.S.C. § 2255(h). This Court lacks jurisdiction to consider them. *See Burton v. Stewart*, 547 U.S. 147, 149 (2007) (per curiam); *Gonzalez v. Crosby*, 545 U.S. 524, 530-31 (2005); *Beatty v. Schriro*, 554 F.3d 780, 782 (9th Cir. 2009). Little Coyote also re-alleges some of the claims he unsuccessfully raised in his § 2255 motion. Reconsideration of those claims is neither necessary nor appropriate. To the extent Little Coyote seeks an extension of time to file a notice of appeal, the motion is denied as unnecessary. Rule 11(b), Rules Governing § 2255 Proceedings.

Reasonable jurists would find no basis for further proceedings. A COA as to the motion for reconsideration or extension of time is denied.

Accordingly, IT IS HEREBY ORDERED that Little Coyote's motion for reconsideration, a certificate of appealability, and an extension of time to seek reconsideration and a certificate of appealability (Doc. 40) is DENIED. As to the motion, a certificate of appealability is DENIED.

DATED this 27<sup>th</sup> day of August, 2015.

  
Donald W. Molloy  
United States District Court